IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1096 of 2003

with
CIVIL APPLICATION NO. 4359 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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UNION OF INDIA

Versus

HEIRS AND DEPENDENT OF DECD. PURSHOTTAMBHAI KALUBHAI BODARA

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Appearance:
1. First Appeal No. 1096 of 2003
MS MEGHA JANI for Petitioner No. 1-3
..... for Respondent No. 1
MR PREMAL S RACHH for Respondent No. 1/1-1/4

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CORAM : HON'BLE MR.JUSTICE M.C.PATEL

Date of decision: 19/04/2004

ORAL JUDGEMENT

This appeal is directed against the judgment and

decree dated 30.9.2002 passed by the ld. Civil Judge (SD), Bhavnagar in Special Civil Suit No. 189/89 filed by the respondents against the appellants for recovery of Rs. 1,00,000/- as compensation. The suit has been decreed. In view of Sec. 26 of the Bombay Civil Courts Act, as amended w.e.f. 2.9.2002 the appeal would lie to the High Court only if the amount or value of the subject matter exceeds Rs. 1,00,000-00. Since in he present case the amount or value of the subject matter does not exceed Rs. 1,00,000-00, the appeal would not lie to this Court but to the District Court. The memo of Appeal along with all the relevant documents is therefore ordered to be returned to the appellants for presentation in the appropriate Court.

Civil Application No. 4359/2004 does not survive and is accordingly disposed of. Rule is discharged. Interim relief stands vacated. Since the decretal amount has been deposited by the appellants pursuant to the order dated 7.7.2003, the court in which the memo of appeal is presented shall pass an appropriate order for disbursement/investment.

(M.C. PATEL, J.)

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